IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1073 OF 2004

IN

SUIT NO.4443 OF 2001

...

Zuber Shaikh abdul Gafoor & anr. ...Plaintiffs

v/s.

Mrs.Kaniz Fatima Shaikh Akhtar

and ors. ...Defendants

...

Mr.A.Y. Sakhare i/b R.B. Jaiswal for the Plaintiffs.

Mr.Y.E. Mooman for the Defendant No.1.

Mr.A.G.Toraskar for Defendant No.3.

...

CORAM: D.K.DESHMUKH, J.

DATED: 3RD FEBRUARY,2005

P.C.:

1. Heard the learned Counsel for both sides. In my opinion, considering the reasons that have been given in the affidavit why the advocate was absent when the motion was called for hearing, motion deserves to be restored. Motion is granted in terms of prayer clause (a). Motion disposed of.

2. The Plaintiffs, however, to pay costs of the motion, which is quantified at Rs.2000/-, to the Defendants. Payment of costs is condition precedent.

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